IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5965 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

RAJUBHAI RAYJIBHAI BARIA KOLI

Appearance:

MR HARDIK C RAWAL for Appellant

NOTICE SERVED for Respondents No. 1-2

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE H.H.MEHTA

Date of decision: 30/10/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. This is an appeal under section 173 of the Motor Vehicles Act, 1988 at the instance of the Gujarat State Road Transport Corporation being the owner of the vehicle

which had caused the accident and which led to the claimants filing Motor Accident Claim Petition No.513/1992. The said claim petition resulted in an award under section 168 of the said Act, which is the subject matter matter of the present appeal.

2. The present appeal challenges only the rate of interest granted to the claimants viz. 15% per annum from the date of the claim petition till realisation.

3. Since only this narrow point was involved, we had issued notice for summary disposal, returnable 1st October 2001. The opponents, including the original claimants, have been served, but have chosen not to file appearance. We, therefore, deal with and dispose of the present appeal on the basis of the view expressed by us in our previous decisions on the subject.

4. On the facts and circumstances of the case the impugned award is modified only to the extent that the claimants shall be entitled to interest on the compensation awarded to them at the rate of 12% per annum from the date of the claim petition upto 31st December 1999, and at the rate of 9% per annum thereafter till realisation. It is clarified that except for the above modification, the rest of the award stands confirmed.

5. This appeal is, therefore, partly allowed to the aforesaid extent with no order as to costs.

6. Decree accordingly.

7. Direct service permited.

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